1956.30(19).

# AN ACT

## FOR THE Better Observation OF THE LORDS-DAY.

At the Parliament begun at *Westminster*, the seventeenth day of *Septemb.* An. Dom. 1656.

Reprinted at *Aberden*, by IAMES BROWN.
1657.

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[illegible]

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FOraſmuch as God hath appointed one Day in ſeaven to be kept holy unto himſelf, and that in order thereunto man ſhould abſtain from the works of his ordinarie Calling, and hath intruſted the Magiſtrate amongſt others, to take care therof within his Gates. And whereas it is found by daylie experience, that the Firſt day of the week (being the Lords Day, and ſince the Reſurrection of Chriſt, to be acknowledged the Chriſtian Sabbath) is frequently neglected and prophaned to the diſhonour of Chriſt, and Profeſſion of the Goſpel; Therefore for the better obſervation of the ſaid Day, and preventing

in some measure such Prophanation thereof for the future, Be it enacted by his Highnesse the Lord Protector, and the Parliament of the Commonwealth of *England, Scotland & Ireland*, and the Dominions thereunto belonging, that whatsoever person or persons within this Commonwealth shall be found guilty according to this Act, of doing & committing the Offences hereafter mentioned upon the said Lords Day, that is to say, Betwixt Twelve of the Clock on Saturday night, and Twelve of the Clock Lords-Day night, shall be adjudged, deemed and taken to be guilty of prophaning the Lords-Day; That is to say, Every person being a Waggoner, Carrier, Butcher, Higler, Drover, or any of their servants travelling or coming by Land or Water, into his or their Inne, House or Lodging within the times aforesaid; And every Inn-Keeper, Victualler, or Alehouse Keeper, who shall lodge and entertain any such Waggoner, Carrier, Butcher, Higler, Drover, or their servants, coming or travelling as aforesaid; Every person using or imploying any Boat, Wherry, Lighter, Barge, Horse, Coach or Sedan, or travelling or labouring with any of them upon the Day aforesaid, (except it be to and from some place for the service of God, or except in case of necessitie to bee allowed by some Justice of the Peace,) Every person being in any Tavern, Inn, Ale-house, Victualing house, Strong-water-house, Tobacco-house, Cellar or Shop, (not lodging there, nor upon urgent necessity, to be allowed by a Justice of Peace,) or fetching or sending for any Wine, Ale or Beer, Tobacco, Strong-water, or other strong Liquor unnecessarily, and to Tipple within any other House or Shope; And the Keepers or Owners of every such Houses, Cellars or Shopes keeping or causing to be kept their Doors ordinarily & usually open upon the Day aforesaid; Every person Dancing, or prophanly

ly Singing or Playing upon Musical Instruments, or Tipling in any such Houses, Cellars or Shops, or else-where upon the Day aforesaid, or harbouring or entertaining the persons so offending; Every person Grinding or causing to be ground any Corn or Grain in any Miln, or causing any Fulling or other Mills to work upon the Day aforesaid; And every person working in the Washing, Whiting or Drying of Clothes, Threed or Yarn, or causing such Work to be done upon the Day aforesaid; Every person setting up, burning or branding Beet, Truf or Earth, upon the Day aforesaid; Every person gathering of Rates, Loans, Taxations, or other Payments upon the Day aforesaid (Except to the use of the Poor in the Publick Collections) Every Chaundler melting or causing to be melted, Tallow or Wax belonging to his Calling; And every Common Brewer and Baker, Brewing and Baking, or causing Bread to be baked, or Beer or Ale to be brewed upon the Day aforesaid; And every Butcher killing any Cattel, and every Butcher, Coffermonger, Poulterer, Herb-seller, Cordwayner, Shoemaker, or other persons selling, exposing or offering to sell any their Wares or Commodities, and the persons buying such Wares or Commodities upon the Day aforesaid; All Taylors and other Tradsemen, sitting or going to sit, or carry any wearing Apparell or other things, And Barbers Trimming upon the Day aforesaid; All persons keeping, using or being present upon the Day aforesaid at any Fairs, Markets, Wakes, Revels, Wrestlings, Shootings, Leaping, Bowling, Ringing of Bells for pleasure, or upon any other occasion (saving for calling People together for the Publick Worship) Feasts, Church-Ale, May-poles, Gaming, Bear-baiting, Bull-baiting, or any other Sports and Pastimes; All persons unnessarily walking in the Church or Church-Yards, or elsewhere

where in the time of Publick Worſhip; And all perſons vainly and prophanely Walking on the Day aforeſaid; And al perſõs Traveling, carrying Burthens, or doing any worldly labours or work of their ordinary Calling on the Day aforeſaid, ſhall be deemed guilty of prophaning the Lords-Day.

And it is Enacted by the Authority aforeſaid, That every perſon being of the age of Fourteen years or upwards, offending in any of the premiſes, and being convicted thereof by Confeſſion, or the view of any Mayor, Head-Officer or Iuſtice of the Peace, or upon the Teſtimony of One or more Witneſſes upon Oath, before any ſuch Mayor, Head-Officer or Iuſtice of the peace in the County, City, Diviſion or place where the Offence ſhall be committed (which Oath the ſaid Mayor, Iuſtice of Peace or Head-Officer, ſhall and may adminiſter) ſhall for every ſuch Offence where-of he ſhall be ſo convicted, forfeit the Sum of Ten ſhillings: Beſides which Forfeitures, all and every perſon and perſons ſelling, expoſing or offering to ſell any Wares or Commodities upon the Day aforeſaid, and in like manner duly convicted, ſhall have their Wares and Commodities ſo ſold, expoſed, or offered to be ſold, ſeized and diſpoſed of as is by this Act appointed.

Provided, and it is hereby Enacted and Declared, That nothing in this Act contained, ſhall extend to the prohibiting the dreſsing of Meat in private Families, or the dreſsing or Sale of Victuals in a moderate way in Inns, Victualing-Houſes, or Cooks Shops, for the uſe of ſuch as cannot otherwiſe be provided for, or to the Crying or Selling of Milk before nine of the Clock in the morning, or after four of the Clock in the afternoon from the Tenth of *September* till the Tenth of *March*; or before Eight of the Clock in the

the morning, or after Five of the Clock in the afternoon, from the Tenth of *March* till the Tenth of *September* yearly; Nor to hinder any other works of Piety, Neceſſity or Mercy, to be allowed by a Iuſtice of peace.

And whereas many Navigable Rivers or Waters extend themſelves into, or are the Bounds of more Counties then one, by reaſon whereof, ſome Doubts have been raiſed, whether the Iuſtices of the Peace of any County lying on the one ſide of ſuch River have any, or how far they may have Iuriſdiction or power upon or over the ſame; Be it therefore enacted by the Authority aforeſaid, That the Iuſtices of Peace of any ſuch County, or the Conſtable or other Officers of any Pariſh, lying on either ſide of ſuch River, ſhall have Power, and are hereby authoriſed and required to put this Act in execution, for the apprehending and puniſhing of all Water-men, Barge-men, or other perſons whatſoever, who ſhall on the ſaid Day be found contrary to this Act, Travelling, Rowing, or Working in or with any Boat, Lighter, Barge, or other ſmaller Veſſel on any part of ſuch River, and the ſaid Boats, Lighters, Barges & other Veſſels, ſhall ſeize and ſtay, or cauſe to be ſeized and ſtayed untill Twelve of the Clock of the ſaid Night, and untill the Penalties hereby inflicted on ſuch Perſon or perſons as ſhall be diſcovered to have offended therein be duly paid and ſatisfied to the Officer or Officers of that Town or Pariſh (on either ſide ſuch River) as ſhall firſt diſcover and attempt the perſuing, ſeizing or ſtaying thereof.

And it is Enacted by the Authority aforeſaid, That all Elections, Swearing and taking of place of Mayors, Sheriffs, Bayliffs, Aldermen, or other Officer whatſoever, in any City, Borough, Town-Corporate, or any other place within this Commonwealth, that after the Firſt day of

*August* next ensuing, by vertue or colour of any act of Parliament, Charter, Custom, Prescription or otherwise, should or might fall out to be upon a Lords-Day, And all Commissions and Courts, which by means of any Adjournment or other cause; And all Returns of Writs which shall fall out to be upon any Lords-Day as aforesaid, shall be, and are hereby authorized and required to be kept, had and done, sat upon, and executed upon the next day which shall ensue such Lords-Day; And all Mayors, Recorders, Stewards, Town-Clerk, or other Officers or persons whatsoever, that have, or after the said First day of *August* next, shall have Power and Authority to Elect, Swear, or give any Charge or Oath for taking any such Place, Oath or Office, or to keep any Courts, shall and may, and are hereby authorized and required to make such Elections, give such Oath & Charge, and take such Oaths, Places or Offices, or keep such Courts as above-said, upon the day next ensuing such Lords-Day; And that all Customs, Rents and Services due to Lords of Manors, which by vertue of any Custom, Prescription, or otherwise, are, or ought to be done, performed and paid upon any Lords-Day, shall after the said First day of *August* next, be done, performed and paid upon the day next following such Lords-Day, and shall be as valid and effectual to all intents & purposes whatsoever, as if the same had been done upon the said Lords-Day; And that all Rents, Sums of Money, Covenants and Conditions, payable or performable upon any Lords-Day, shall and may be paid and performed upon the day next ensuing such Lords-Day; & that such Payment and performance thereof, shall be as good & effectuall in the Law, to all intents and purposes, to save all Penalties, Re-entries or Forfeitures whatsoever, as if the same had been made and performed at or upon the day limited

ted or appointed in or by any Bond, Leaſe, Covenant, Indenture or other Deed or Agreement whatſoever, Any Law, Uſage or Cuſtom to the contrary hereof notwithſtanding: And that no Fair, Market, or Proclamation of any Fair or Market ſhall be had, made or uſed upon any Lords-Day, but upon the day next enſuing; Nor ſhall any perſon or perſons ſerve, or cauſe to be ſerved, any Writ, Proceſs, Warrant, Order, Judgement or Decree (Except in cauſes of Treaſon, Felony, Breach of the Peace, & Prophanation of the Lords-Day) upon pain that every perſon and perſons, Bodies Politique and Corporate, offending in any the particulars laſt mentioned, ſhall forfeit the Sum of Five pounds, to be recovered in Name of the Lord Protector, by Bill, Plaint, Writ or Action of Debt in any Court of Record, or upon Information or Indictment before the Iuſtices of the Peace in the open Seſſions, who have hereby Power to hear and determine the ſame, and to be diſpoſed, *viz.* One Moyety to the uſe of His Highneſs the Lord Protector, & the other moyety to the uſe of him or them that will ſue or proſecute for the ſame; And that the ſervice of every ſuch Writ, Action, Proceſs, Warrant, Order, Iudgement or Decree ſhall be void to all intents and purpoſes whatſoever.

And whereas many Fairs & Markets are kept upon Saturdayes and Mondays, whereby is often occaſioned the prophanation of the Lords-Day, It is hereby Enacted by the Authority aforeſaid, That all and every perſon and perſons reſorting to ſell or buy Commodities in any ſuch Fairs and Markets, ſhall in due time come to, & depart from the ſame, and ſtrictly obſerve the Laws and Rules of the Markets, that the obſervation of the Lords-Day may not thereby be violated, upon pain that every perſon travelling to or from ſuch Fairs or Markets upon the Lords-Day, and duly convicted

aforesaid, before one or more Justices of the Peace, who have herby power by their own view, confession of the parties, or the Oath of one or more Witnesses (which Oath they may administer) to hear and determine the same, shall forfeit for every offence the sum of Ten shillings.

And to the end this Act may be duly observed and henceforth put in execution, Be it Enacted by the Authority aforesaid, That all and every Mayor, Head-Officers, and Justices of Peace within their respective Counties, Limits and Jurisdictions, are herby Enjoyned and Authorized from time to time under their Hands and Seals, to appoint & require such Church-wardens, Overseers of the Poor, Constables and other persons within their severall Jurisdictions, as they shall think fit, to seize and secure such Wares and Commodities as shall be be sold, exposed, cryed, or offered to Sale contrary to this Act upon the Day aforesaid, and to search for, discover, secure, apprehend and bring before them, or any other Justice of Peace of the County or place where they shall be apprehended, all and every person & persons whom they shall find prophaning and violating, or shall know or be informed to have prophaned and violated the Lords-Day in any the particulars herin mentioned, or shall have just cause to suspect for the same, which said Warrant so received, the said Constables, Tythingmen, Church-wardens, Overseers of the poor, or either of them to whom the said Warrant is or shall be directed, shall make publication of in the said parish Church or Chappell Fourteen dayes before execution of the same, and after such publication, and end of the said Fourteen dayes, the said Constables, Tythingmen or Overseers of the poor so authorized, and every of them, are herby required and authorized, to do and perform their duties accordingly, without expecting any particular Warrant for

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the same, upon such pains and penalties as are hereafter in this Act inflicted upon wilfull neglecters of their duty.

And for the better execution of the powers aforesaid, The Constables, Churchwarden or Overseer of the Poor so authorized, are hereby required and authorized, to demand Entrance into any Dwelling-house, or other place whatsoever suspected by them to harbor, entertain or suffer to be any person or persons prophaning the Lords Day. And if such Entrance be either wilfully delayed or refused, all and every person or persons so delaying or refusing, being convicted thereof (as by this Act is appointed) shall forfeit the sum of Twenty shillings.

And all Church-wardens and Overseers of the Poor, and Constables within their severall Limits, are hereby Injoyned and Authorized upon their own view & knowledge, as well with Warrant as without, to seize and secure all such Wares and Commodities sold, exposed or offered to be sold, and to apprehend, secure and stop all offenders against this Law, with their Horses and Carriages (if any such shall be) and after apprehension, to bring such Offenders before any Justice of Peace, to be dealt with according to the Directions of this Act, unless the Offender shall forthwith pay the Penalty forfeited by this Act to such Officer.

And it is Enacted by the Authority aforesaid, That if any Children or Servants under the Age of Fourteen years, offending in any the offences within this Act mentioned, and thereof convicted before any Mayor, Head Officer, or any one or more Justices of the Peace as aforesaid, the Parents, Guardians, Masters, Mistresses or Tutors of all such Children and Servants, shall forfeit the Sum of One shilling for every such Servant or Child so offending & thereof convicted as aforesaid, unless such Parent, Guardian, Master, Mistress

or Tutor, shall in the presence of the Church-wardens, Overseers for the Poor, or other Officer, or one of them, give or cause to be given unto such Child or Servant so offending due Correction.

And to the end that no prophane licentious person or persons whatsoever, may in the least measure receive encouragement to neglect the performance of religious & holy Duties on the said Day, by colour of any Law or Laws giving Liberty to truly Tender Consciences; Be it Enacted by the Authority aforesaid, That all and every person and persons shall (having no reasonable excuse for their absence, to be allowed by a Iustice of Peace of the County where the offence shall be committed) upon every Lords-Day diligently resort to some Church or Chappel where the true Worship and Service of God is exercised, or shall be present at some other convenient Meeting-place of Christians, not differing in matters of Faith from the Publick Profession of the Nation, as it is expressed in the humble Petition & Advice of the Parliament to his Highnes the Lord Protector, where the Lords-Day shall be duly sanctified, according to the true intent and meaning of this Act, upon pain that all and every such person or persons so offending, shall for every such Offence, being thereof convicted, forfeit the sum of Two shillings and six pence.

And it is Enacted by the Authority aforesaid, That no person being the Minister or publick Preacher of, or in any Church, Chappell, or publick Congregation within this Commonwealth, and officiating and doing his Duty therein upon any Lords-Day, or at any other times, shall be molested, hindred, or disturbed therein by any person whatsoever; And if any person or persons shall after the First day of [illegible] maliciously, wilfully, or of purpose

poſe moleſt, lett diſturb, diſquiet or otherwiſe trouble any ſuch Miniſter or Publique Preacher in the doing and performing the Duty of their reſpective Places, or in his going to, or returning from ſuch place, or make or cauſe to be made any publique diſturbance in any part of the Lords day in any of the places aforeſaid, It ſhall and may be lawful to and for any Church-warden, Overſeer of the Poor, or Conſtable of the Pariſh & Place where ſuch Moleſtation, Diſturbance and Diſquieting ſhall be, and they are hereby enjoyned to apprehend all and every perſon and perſons offending therein, or in caſe of eſcape before ſuch Apprehenſion, for the Church-wardens, Overſeers of the Poor, or Conſtables of any other Pariſh or Place where ſuch Offender ſhall be found, to apprehend them and every of them, as well without Warrant as with Warrant, and bring them before the Mayor, or any Iuſtice of the Peace or Head-Officer where any ſuch perſon and perſons ſhall be apprehended; And if ſuch Mayor, Iuſtice or Head-Officer ſhall find cauſe upon his own view, Confeſſion of the party, or the Oath of one or more ſufficient Witneſſes (which Oath he ſhall have herby power to adminiſter) then he ſhall commit ſuch perſon to Priſon, there to remain without Bail or Mainprize untill the next General Seſſions of the Peace to be holden for the County, City or place where the Offence ſhall be committed; And if upon Information, Preſentment or Indictment, ſuch perſon or perſons ſhall at the General Seſſions of the Peace (who have hereby power to hear and determine the ſame by Confeſſion or Oath of two or more ſufficient Witneſſes) be found guilty for maliciouſly, wilfully, or of purpoſe moleſting, letting, diſturbing or otherwiſe troubling ſuch Miniſter or Publique Preacher, or making any diſturbance as aforeſaid, every perſon ſo convicted, ſhall forfeit

the ſum of Five pounds, One moiety to the uſe of his Highneſſe the Lord Protector, and the other moiety to him or them that will ſue or proſecute for the ſame; or at the diſcretion of the ſaid Iuſtices, ſhall be ſent to the houſe of Correction or Work-houſe, to be ſet to hard Labour, with ſuch moderate Correction, as in the diſcretion of the ſaid Iuſtices ſhall be thought fit, for ſome time, not exceeding ſix moneths.

And it is Enacted by the Authority aforeſaid, That all perſons Contriving, Printing or Publiſhing any Papers, Books, or Pamphlets for allowance of Sports and Paſtimes upon the Lords-Day, or againſt the Morality thereof, ſhall forfeit the ſum of Five pounds, or be cõmitted to the houſe of Correction as aforeſaid.

And it is Enacted by the Authority aforeſaid, That in caſe any Wares or Commodities ſhall be ſeized and ſecured for being ſold, expoſed or offered to be ſold contrary to this Act, and the Offenders therein convicted as aforeſaid, All ſuch Wares and Commodities, or the value thereof, at the diſcretion of the Mayor, Head-Officer or Iuſtice, ſhall be diſpoſed of to the uſe of the poor of the Pariſh where ſuch Wares ſhall be firſt ſeized, Saving that it ſhall be in the Power of ſuch Mayor, Iuſtice of Peace or Head-Officer, out of the ſame to reward any perſon that ſhall Inform, or otherewiſe Proſecute any perſon for the ſaid Offence according to their diſcretion, ſo as ſuch Reward exceed not the Third part of the Wares and Commodities ſo ſeized, and ſo as no Reward be given to any perſon upon whoſe Oath only the Offender ſhall be convicted; And all Sums of Money, and Forfeitures not otherewiſe diſpoſed of by this Act, ſhal be imployed for the uſe of the Poor of the Pariſh where the ſeveral Offences ſhall be committed, Saying only that it ſhal

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be lawful to and for any Mayor, Iuſtice of Peace or Head-Officer, out of the ſaid Forfeitures, to reward any ſuch perſons that ſhall Inform, or otherewiſe Proſecute any perſons for the ſame, according to their diſcretion, ſo as ſuch Reward exceed not the third part of the Forfeiture, & ſo as no reward be given to any perſon upon whoſe Oath only the Offender ſhal be convicted. Provided alwayes, That no perſon or perſons ſhall be impeached or moleſted for any Offence within this Act, unleſs he or they be thereof convicted within One Moneth after the Offence committed.

And it is Enacted by the Authority aforeſaid, That all Mayors, Iuſtices of the Peace, Head-Officers, the Governours of Inns of Court and Chancery, all Maſters and Governours of Schools and Families, and the Governours of the Company of Water-men for the River of Thames (who for the purpoſes in this Act mentioned, ſhall have the Power of Conſtables upon the ſaid River, and upon any Keys, Wharfs or Banks thereof) and all other Officers & perſons herein concerned, are hereby enjoyned and authorized within their ſeveral Limits and Iuriſdictions, to ſee this Act put in due and ſpeedy execution, upon pain that all and every perſon and perſons neglecting to do his and their reſpective duties, in putting this Act in due and ſpeedy execution, being thereof duly convicted by Bill, Plaint, Writ or Action of Debt, in any Court of Record, or upon Preſentment, Information or Indictment before any Iuſtices of the Peace in their open Seſſions (who have hereby power to hear and determine the ſame (ſhall forfeit the ſum of Five pounds; one moiety whereof ſhall be to the uſe of his Highneſſe the Lord Protector, and the other moiety to him or them that will proſecute for the ſame.

And it is hereby Enacted by the Authority aforeſaid, That

no Writ of *Certiorari* shall be granted or allowed for the removing any Action, Suit, Presentment, Information, Indictment, or any other Proceedings against any person for offending against this Law; And that in any Action brought against any Iustice of Peace, Church-wardens, Overseers of the Poor, Constables, or any other Officers or persons whatsoever, for acting or doing, or commanding to be acted or done, any matter or thing in pursuance of this Act, or for being aiding or assisting thereunto, the Defendant in every such Action shall & may plead the general Issue, & give the special Matter in Evidence, and upon *Non-suit* of the Plaintiff, or Uerdict passing for the Defendant, the Defendant shal have and recover his and their treble Costs.

And it is lastly Enacted, that the Church-wardens, or other Officers of every Parish within this Commonwealth, do at the charge of the Parish procure one or more of these Acts to be safely kept in their respective Parishes; and the Ministers of each parish are hereby enjoyned in every year, that is to say, Upon the first Lords-Day in *March* yearly, immediately before the Morning Sermon, to read, or cause to be read this present Act.

Provided, That this Act shall not extend to authorize or impower any Constable or Officer, without the special warrant of one or more Iustice or Iustices of the peace, to enter or demand Entrance into any House upon pretence of execution of his or their Office by vertue of this Act, other then into Taverns, Inns, Ale-houses, Tobacco-shops Uictualling, houses or Tipling-houses. Any thing in this Act to the contrary notwithstanding.

October Quarter-Sessions 1657.

ORdered that this Act of Parliament be forthwith Reprinted for the benefit of the Shire of *Aberdene*.

Ordered by the Court.

*Christopher Powell*, Cler. of the Peace.